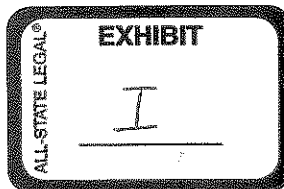


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALEATHER THOMPSON,) Case No.
plaintiff,) 1: 07-CV-0783
vs.)
) Judge Nugent
UHHS RICHMOND HEIGHTS HOSPITAL,)
INC., et al.,) Magistrate
defendants.) Judge McHargh

Videotaped deposition of ALEATHER THOMPSON, the plaintiff herein, called by the defendants as if upon cross-examination, and taken before David J. Collier, RPR, Notary Public within and for the State of Ohio, pursuant to Notice of Deposition and pursuant to the further stipulations of counsel herein contained, on Wednesday, the 23rd day of April, 2008 at 10:04 a.m., at the offices of Vorys, Sater, Seymour & Pease, 2100 One Cleveland Center, City of Cleveland, County of Cuyahoga and the State of Ohio.



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& Associates

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1 job.

2 Q Okay. So -- so this was -- and we'll talk
3 about what was said to you at the meeting, but
4 this was actually handed to you this day in
5 question when you came in and met with Kris,
6 Steve --

7 A Yes.

8 Q Okay.

9 A Yes, it was.

10 Q Okay. What -- how long was the meeting
11 between you, Mary, Marti, Kris and Steve?

12 A Very short.

13 Q Okay. When you say "very short," was it a
14 matter of minutes or over -- over ten minutes?

15 A If it lasted ten minutes.

16 Q Okay. So it was short. Did you talk at
17 all?

18 A Yes.

19 Q Okay. What do you recall from that -- this
20 conversation? What took place during this
21 meeting?

22 A I was told that I would not be employed
23 there anymore as of November 4th, which was the
24 day I went in there.

25 Q Okay.

1 A They talked about the severance pay.

2 Q Okay.

3 A They wanted me to sign something and I
4 refused and that's when I got up and just left.

5 Q Okay.

6 MS. ROSENTHAL: I'm sorry. I
7 didn't hear that. They wanted you to what?

8 THE WITNESS: Sign something.

9 MS. ROSENTHAL: Okay.

10 A And I refused to sign it.

11 Q Okay. Do you know what they asked you to
12 sign?

13 A I don't even remember.

14 Q Okay. Is that all you recall from the
15 meeting as we sit here today?

16 A Basically I told them I didn't think they
17 were right and I refused to sign anything and I
18 left.

19 Q Okay. Just so I'm clear, have you spoken
20 with Mary Hendricks since leaving, since that
21 meeting?

22 A No.

23 Q Have you spoken with Marti Newman since
24 that meeting?

25 A Yes.

1 in the Department of Nutritional Services was
2 eliminated, if you look at that first sentence,
3 do you see that?

4 A Right, and that's -- you know what, that's
5 what the conversation -- because I told them
6 that I was more than qualified for any position
7 and I felt they should have offered me at least
8 a chance to apply for that position, and I even
9 know as of Sodexo, because they were even
10 willing to let one of the dieticians apply for a
11 job at their company for the -- to keep their
12 job, so I felt they should have at least offered
13 me, because they didn't have no one really for
14 that position at that time.

15 Q Okay.

16 A So at least I felt they should have offered
17 it.

18 Q To do that? Okay.

19 A You know.

20 Q And let me just talk a little bit about it.

21 You don't dispute that the title, that
22 the position of supervisor in the Department of
23 Nutrition Services, that position was eliminated
24 on November 1, 2005?

25 A Okay. Will I dispute that?

1 A Right.

2 Q Okay.

3 A Well, no, he supervised me but his title
4 was director and mine was supervisor.

5 Q Okay. Who --

6 A He was over me.

7 Q Okay. When Sodexo came on board, what was
8 your position with U.H.?

9 A Supervisor.

10 Q Of Nutritional Services?

11 A Yes.

12 Q Okay. How many individuals did you
13 supervise at that time?

14 A I'd say about 30.

15 Q What types of positions?

16 A Diet clerks, tray line aides, cooks, salad,
17 cafeteria, kiosk.

18 Q Okay. And how long had you held that
19 supervisor -- a supervisory role in the Richmond
20 Heights kitchen area, how many years?

21 A I'm not sure, but I want to say maybe
22 three.

23 Q Okay. And when Sodexo came on board, did
24 they make changes from the way Aramark had run
25 the kitchen?

1 this time period, the June to November, 2005?

2 A I don't remember her name.

3 Q Okay. Now, you had talked about Sodexo had
4 eliminated some other position and gave that
5 person an opportunity to find a job.

6 A Yeah.

7 Q What was that, the dietician?

8 A No.

9 Q What was that?

10 A Um --

11 Q And this is Sodexo, not Aramark?

12 A We were closing the kiosk.

13 Q And this is Sodexo --

14 A Yeah.

15 Q -- not Aramark?

16 Okay. Closing the kiosk or kiosk?

17 A Kiosk. Whatever.

18 Q Okay. And were there hourly employees in
19 the kiosk?

20 A Yes.

21 Q How many?

22 A One, and then like part-times to fill in.

23 Q Okay. And what was his or her name?

24 A Sandy Stull.

25 Q Sandy Straw?

1 A Stull, S-T-U-L-L.

2 Q S-T-U-L-L?

3 A Yes.

4 Q Okay. And Sandy reported to you --

5 A Yes.

6 Q -- at this time?

7 Was Sandy white?

8 A Yes.

9 Q And what happened, the kiosk position --
10 the kiosk was eliminated --

11 A Right.

12 Q -- by Sodexo.

13 A Right.

14 Q What did it do? What was this?

15 A It's like a little coffee shop off to the
16 side.

17 Q Okay.

18 A I mean, they sell like muffins and --

19 Q Okay.

20 A It was like in the back of the hospital for
21 quick pick-up of a coffee.

22 Q Okay. How long had Sandy Stull been in
23 that position?

24 A I don't remember. I want to say two years,
25 but I don't remember.

1 Q Okay. And when was the kiosk eliminated by
2 Sodexo?

3 A When they came in, I'm not going to -- I
4 don't remember how many months before, they
5 started working on closing it down. I don't
6 remember.

7 Q Okay. So it's -- if they came in in June,
8 it was sometime thereafter --

9 A Right.

10 Q -- if they came in in June.

11 All right. What happened to Sandy
12 after her position -- after the kiosk was
13 eliminated, what happened to her?

14 A She got a position in the kitchen -- in the
15 cafeteria, not the kitchen.

16 Q Okay. And was there an open position? Had
17 somebody left or what --

18 A No.

19 Q How did that work? No?

20 A No.

21 Q Did she still report to you?

22 A Yes.

23 Q Okay. Now, when Sodexo came on board, did
24 they -- did they talk with you or -- were you
25 part of the discussions about Sodexo's plans to

1 A Right.

2 Q Any other changes that you were part of the
3 discussions on or heard about?

4 A We had in front cooking, like in the
5 cafeteria we would cook to order, sometimes
6 demonstrate cook to order --

7 Q Okay.

8 A -- type --

9 Q So there --

10 A -- things.

11 Q If I came in and said I wanted a certain
12 type -- I had some options that they would cook
13 right there for me?

14 A Yeah, it would be -- either it would be
15 Steve, Bart or me, and we would cook right in
16 front of the -- right in the cafeteria in front
17 of people.

18 Q To do it. Okay.

19 A Right.

20 Q Okay. On the -- on the meals to order, did
21 you hear about this just in those general
22 discussions with all the U.H. employees in the
23 kitchen?

24 A No, we talked about it -- Steve and I
25 talked about it too.

1 job. I mean, you can agree --

2 A Well, no, you asked me if I knew about --

3 Q Okay. So aside from your general knowledge
4 of cooking, you don't have any idea about what
5 the job requirements for the -- for this
6 position were?

7 A And I just answered, okay, you mean
8 Sodexo's or just in knowledge?

9 Q Okay. I mean Sodexo's.

10 A Okay. No.

11 Q You had -- okay. And you don't know as we
12 sit here today whether you're qualified or not
13 for the position?

14 A I know I'm qualified.

15 Q How do you know that?

16 A Because I'm confident in myself and I've
17 went through the school, culinary arts school,
18 training, and I've also kept up my education,
19 plus I've pretty much ran the kitchen by myself
20 from catering to show cooking for, like I said,
21 three years.

22 Q Okay. But you've never reviewed the job
23 requirements for the position, the executive
24 chef position?

25 A For Sodexo, no.

1 Q Okay. Now, Steve Savanick, did you have
2 any problems with Steve?

3 A Oh, sorry. Yes.

4 Q Okay. And what were those?

5 A Um --

6 Q And we're talking June, 2005 to --

7 A Basically, I --

8 Q Let me just put it -- June, 2005 until you
9 go on the leave of absence, October, 2005. What
10 issues did you have with Steve?

11 A Number one, I know he didn't care too much
12 for me being in the position I was in.

13 Q And how did you know that?

14 A Just the way he treated me. He acted
15 like -- basically he really didn't want to
16 communicate to me. It was basically if he had
17 to. I mean, he even would go to other employees
18 and ask things that he should have come to me to
19 ask. We would have -- when we hired people -- I
20 have went two occasions and told him that
21 certain people just was not going to work out,
22 trying to do it within the 90 days, but he would
23 not do anything about it.

24 Q You say he didn't accept your
25 recommendations as to terminating employees?

1 A Right.

2 Q Okay. Anything else?

3 A And I was the one working with the
4 employees to report to him how they were doing
5 and how they weren't doing.

6 Q Okay. Anything else?

7 A Okay? When I went to discipline people, he
8 basically let me discipline the blacks as far as
9 sitting down and almost encouraged me to write
10 them up, whereas for the whites, when I had a
11 problem with them, he took care of it, and I
12 don't even know if he took care of it. He said
13 he would.

14 Q Okay. Anything else?

15 A It's like everything I did, he tried to
16 find something wrong with it.

17 Q Okay. Anything else?

18 A Even when people would come down right in
19 front of his face and compliment me, he just --
20 I mean, it just -- he just refused to give me
21 any kind of encouragement, credit, anything,
22 you know.

23 Q Okay. Anything else?

24 A That's enough.

25 Q Okay.

1 A That's all I can think of right now.

2 Q Okay. So just -- just so I'm clear, we've
3 gone through all the problems, I want to talk to
4 you about it.

5 He never made any inappropriate
6 comments directly to you, right?

7 A No.

8 Q Okay. And so on the -- and let's talk
9 about the discipline. The discipline, from my
10 understanding as the supervisor, you would tell
11 Steve, I have a problem with -- let's first of
12 all talk about the hiring. 90 day probationary
13 period --

14 A Right.

15 Q -- you would come to Steve, say that this
16 person is not working out?

17 A Right. And there was one person that
18 just -- I mean, this girl just was not qualified
19 to do the job and was calling off, was leaving
20 way before her shift time, and I told Steve
21 about it and his excuse was, well, she's having
22 a hard time with her boyfriend so she has to
23 leave, which personally is not an excuse in my
24 book because that's leaving my night person by
25 theirself to finish up.

1 Q So you disagreed with Steve's decision?

2 A Oh, had it been a black person, they would
3 have been gone, and -- okay. I take that back.
4 I take that back. This person was white, and I
5 have a problem with that, because I know
6 everybody needs a job, but if the person is not
7 doing their job, come on.

8 Q Let me -- let me --

9 A You know.

10 Q How many people -- from June, 2005 to
11 October, how many people -- is this the only
12 hire you've made in that time frame?

13 A Oh, no.

14 Q How many, two, three?

15 A Actual hires, I'd say maybe about three.
16 Actual interviews, quite a few.

17 Q Okay. And so you -- was there any other
18 problems in the hiring that -- where you
19 disagreed with Steve aside from this one white
20 employee?

21 A That we ended up with more whites in the
22 kitchen than we did -- than we have ever had
23 before, aside from when I first started working
24 at the hospital, then it generally became half
25 and half, then it was more blacks, and when they

1 came in it just became more whites, and a lot of
2 them were not qualified.

3 Q Okay. You hired three people from June
4 until October, and you're saying that that
5 drastically changed the framework of your
6 40 employees you supervise, the proportions?

7 A I am saying we hired -- in actually truth,
8 yeah, hired Patty, Kathy, Meg. Actually, we
9 hired like five.

10 Q So you say you hired five employees --

11 A Yeah.

12 Q -- from June until October?

13 A Patty -- yes.

14 Q And you disagreed with one of that --
15 keeping one of them?

16 A It's only one of them didn't -- was not
17 qualified.

18 Q Okay. The other four you admit were
19 qualified?

20 A Yeah.

21 Q And do you have a problem because they were
22 white?

23 A No, I have a problem because of he let them
24 stay up on the floors and do stocking, whereas
25 if a black went up on the floor he wanted to

1 to Steve and say this person was late?

2 A I would write it up.

3 Q You would write it up?

4 A Yeah.

5 Q Okay. Now, from June, 2005 to October,
6 2005, how many write-ups would you have done
7 during that time frame?

8 A I don't remember.

9 Q I mean, did you write people up daily, did
10 you write them up on a weekly basis? I mean,
11 how long -- how many times? I mean, you were
12 the supervisor for many years.

13 A I don't --

14 Q How often did you write them up?

15 A -- remember. A lot, but I don't remember.

16 Q Okay. So you're saying that -- I mean,
17 would you disci -- I mean, how many people would
18 you have discharged during that time frame, from
19 June until October, 2005?

20 A I think we only let three, three or four --
21 I don't remember.

22 Q Okay. Well, whoever you let go, you came
23 to Steve and said these people should be
24 discharged, right?

25 A Or he would make a -- yeah, between both of

1 Q -- would you issue discipline once a week,
2 once a month? I mean, how often would you have
3 to discipline your employees?

4 MS. ROSENTHAL: She just --

5 A Whenever someone did something wrong.

6 Q Okay. Well, how often on a --

7 A I don't know.

8 Q You have no idea --

9 MS. ROSENTHAL: Objection.

10 Q -- as you supervised for three years?

11 A I have no idea.

12 Q No idea. Okay.

13 MR. TACKLA: Two minutes of
14 tape.

15 Q Okay. But you say --

16 MR. TACKLA: Two minutes of
17 tape.

18 Q Okay. But you say -- and we'll take --
19 we'll go to lunch at that point, but you say on
20 the discipline, that during that time, we don't
21 know how often, but you say that there was white
22 employees that Steve would take care of --

23 A Right.

24 Q -- and the black employees you did?

25 A Right.

1 MR. TACKLA: Off the record.

2 - - - - -

3 (Luncheon recess had.)

4 - - - - -

5 BY MR. CAMPBELL:

6 Q Ms. Thompson, we're back from our lunch
7 break. Do you have any answers that you need to
8 change after this break?

9 A Not change, but just add to.

10 Q What are those?

11 A The other things that I didn't agree with
12 that Steve did.

13 Q Okay. And that's what I want to talk
14 about, the things. What else did Steve do that
15 you didn't agree with?

16 A The black employees had to work most of the
17 dirty jobs, let's say.

18 Q Okay. Anything else?

19 A I'll probably think of something else. We
20 can keep going.

21 Q Okay. So just so we're understanding with
22 Steve --

23 A Evaluations, that's what it was.

24 Q Okay. On Steve Savanick --

25 MS. ROSENTHAL: Wait, she was

1 finishing her answer.

2 Q Okay. What evaluation? What's that? What
3 do you mean?

4 A Employees. I evaluated the black ones, he
5 evaluated the white ones.

6 Q You're saying Steve Savanick actually gave
7 performance evaluations during your
8 employment --

9 A Um-hum.

10 Q -- with Steve?

11 A Yes.

12 Q Okay. Well, presumably those performance
13 evaluations would be in the personnel files?

14 A Yeah.

15 Q Okay. So we would know which performance
16 evaluations were done during the time that you
17 and Steve were working together, right?

18 A Right.

19 Q And you don't have any reason to disagree
20 from the personnel files, if there's not an
21 evaluation there, you would agree that no
22 evaluation was conducted, right?

23 A No.

24 Q No?

25 A No.

1 Q Why not?

2 A Because I know we did evaluations.

3 Q You know you did.

4 A Yes.

5 Q Okay. Well, we looked through your
6 personnel file and I didn't see any evaluations
7 that were signed by Steve Savanick.

8 A He didn't sign mine, because he got mad
9 because he had to change it, so he didn't sign
10 it. He showed me he changed it, which was fine,
11 and that was it. He didn't -- he just -- he
12 didn't even know go over it, he just, "I changed
13 it" and that was it.

14 Q So you're -- you say there's a performance
15 evaluation that wasn't included in your
16 personnel file that was done by Steve but not
17 signed?

18 A I don't know if it was in my personnel
19 file, but it was one done by Steve, yes.

20 Q Okay. Well, can we agree that Steve
21 evaluated your performance as poor?

22 A The first time.

23 Q So you're saying Steve evaluated you more
24 than once between June, 2005 and --

25 A Steve --

1 Q -- November?

2 A -- gave me -- I said Steve gave me an
3 evaluation that was a 1.2.

4 Q Okay.

5 A I got upset and I disagreed with him.

6 Q Okay.

7 A The very day he gave it to me, someone came
8 down and was bragging on a party I had just
9 finished. Then when I went back maybe -- it had
10 to have been a couple hours, I'm not going to
11 say right away, he informed me he changed it,
12 which he did.

13 Q To what?

14 A It ended up to a 2.5, I think it was, or
15 2.58, something like that.

16 Q Okay. So his -- now, what employees -- and
17 I just want to -- you're making these broad
18 statements, I just want to know -- to try to get
19 a little bit more information than just
20 conclusions. Let's talk about the hiring. You
21 said there was five employees hired between June
22 two thousand --

23 A I said I think.

24 Q Let me answer the question --

25 A I'm sorry.

1 Q Some of them.

2 A Right.

3 Q Okay. You're saying Steve when he comes
4 on board never worked with people and said
5 I'll do these evaluations?

6 A He didn't come on board saying that, he
7 just did it.

8 Q Okay. So he did it -- he did the
9 performance evaluations for your employees?

10 A Exactly.

11 Q Did you review and approve or no?

12 A Some of them.

13 Q Okay. So again, we'll look through the
14 personnel files and see if evaluations were
15 done --

16 A That's fine.

17 Q -- during this time period. Right?

18 A Um-hum.

19 Q And if there's no performance evaluations
20 in those personnel files for this time period,
21 from June, '05 until November, '05, you don't
22 have any reason to disagree with those company
23 records, right?

24 A I know I did evaluations.

25 Q Okay. Can we name -- well, can we identify

1 personnel files and see if you actually did
2 evaluations during this time frame.

3 A That's fine.

4 Q Well, if there's no evaluations --

5 A That's fine.

6 Q -- in there you would agree that --

7 A No, I'm not --

8 MS. ROSENTHAL: Objection.

9 A -- because I know I did agree -- I did
10 evaluations, so no, I won't agree.

11 Q All right.

12 MS. ROSENTHAL: And I'm going to
13 object for the reason that we haven't even --
14 there's evaluations missing even from Lisa's
15 personnel file, or at least according to the
16 employer.

17 Q On the issue of Mr. Savanick, the way he --
18 well, let's take a step back. You said he had
19 black employees do dirty jobs. I thought you
20 were the supervisor who assigned tasks?

21 A When I assigned tasks, I would assign them
22 to all, and then certain ones would complain or
23 they would just go do something else and I
24 reported it to him. As a matter of fact, some
25 of the employees came to me and asked why

1 certain people didn't have to help, and I went
2 to him and asked him, and his response was,
3 well, they'll do in the office, where Sherita
4 came out in the kitchen and helped clean but
5 Judy never had to lift a finger.

6 Q Okay. So we've identified Judy and who
7 else?

8 A Sherita.

9 Q Okay. Who else? Are those the only two
10 examples of this?

11 A I mean, there's examples.

12 Q Well, name other employees.

13 A Patty used to go up on the floors and stay
14 forever, that way she didn't have to do anything
15 down in the kitchen, but she would say, "Well, I
16 was cleaning the refrigerators." It does not
17 take that long to clean the refrigerators.

18 Q Okay. So --

19 A I reported it to him and nothing was done.

20 Q Okay. And who else? Patty, who else?

21 A Richard.

22 Q Richard who?

23 A What's his name?

24 Q Eggelton?

25 A Yes.

1 you knew that Steve didn't think you were
2 performing well, Savanick?

3 A Up until the two months that Steve and Mary
4 left me on my own to run the place until they
5 could come in. They asked me if I would be okay
6 for two months. He didn't have a problem, he
7 would come in and check, everything was on
8 target, it was no problems. Kris Bennett
9 couldn't tell him a thing that went wrong. When
10 he literally had to come in and work
11 side-by-side with me, a person could come down
12 and say that I did a great job and he would find
13 something to disagree about.

14 Q Okay. I'm not asking you whether you agree
15 with his conclusion, I'm simply asking you --

16 A I'm giving you examples.

17 Q Okay. I'm asking you a very simple
18 question.

19 You agree as we sit here today that
20 Steve Savanick didn't think you were performing
21 well, right?

22 A No, I agree that Steve Savanick was picking
23 with me personally --

24 Q Okay. Well, when --

25 A -- because of certain reasons.

1 you and wanted to get rid of you but couldn't
2 think of a reason, I'm going to come to you and
3 say, this is not right, this is not right.
4 I mean, he sat there and literally let me do
5 that whole inventory, put it on the computer and
6 everything, no thank you's or nothing, and
7 I mean it was good, and he would find something
8 wrong with it.

9 Q Okay. Let me -- it's a real simple
10 question. You say he would find something wrong
11 with it, so he is -- he is raising -- whether
12 you agreed with him or not, he's raising
13 performance issues with you, right?

14 A I don't think they were performance issues,
15 so I'm going to say no.

16 Q Well, whether you thought they were
17 accurate or not --

18 A I answered your question.

19 MS. ROSENTHAL: I'm going to object
20 to arguing with her. Move on, please.

21 MR. CAMPBELL: Thank you.

22 Q Whether you agreed with him or not, he
23 came --

24 A No.

25 Q -- to you -- if you could --

1 Q Okay. And they didn't make the changes
2 immediately, they were -- they were -- they were
3 going to do them as they evaluated, right?

4 A They were just ongoing.

5 Q Ongoing. Okay.

6 And so at some point you come to Kris
7 Bennett, you tell him this issue, and Kris says,
8 I think the kitchen is operating appropriately?

9 A No, he says, I think Steve, not knowing
10 what was going on, was doing a good job. He
11 didn't -- he didn't even try to investigate
12 whether it was going on, what was going on.

13 Q Okay.

14 A And I am not the only employee that went to
15 Kris about this.

16 Q Okay. Let's -- let's focus on you first,
17 then I'll ask you about the others.

18 When you went to Steve -- to Kris,
19 I'm sorry, I'm assuming -- we've -- we talked at
20 length about everything that Steve Savanick
21 allegedly did to you, right?

22 A Um-hum.

23 Q Is that right?

24 A Yes. Um-hum.

25 Q And you certainly didn't tell Kris anything

1 BY MR. CAMPBELL:

2 Q Okay. Ms. Thompson, before our break I was
3 asking you about your conversation with
4 Kris Bennett. At some time -- it occurred
5 sometime between June, 2005 and presumably
6 October 22nd, 2005, and I wanted to just go
7 through that conversation with you.

8 You went to Kris at that point, and
9 what do you recall from your discussion on that
10 occasion with Kris Bennett?

11 A I don't remember a lot of any of it. I
12 don't remember any of it, to be honest.

13 Q You don't remember anything that you told
14 him?

15 A Just that I went down. No.

16 Q Just --

17 A Just that I went down and talked to him
18 about certain things.

19 Q Okay. What in general did you talk to him
20 about?

21 A Concerns about racism being done.

22 Q By who?

23 A By Steve.

24 Q By Steve Savanick?

25 A Yes.

1 did speak to him about, because we did start
2 hiring.

3 Q Okay. So you know that Kris at least spoke
4 with Steve about, you know, the schedule and
5 whether more people needed to be hired?

6 A Right.

7 Q Okay. Now -- so the schedule you talked to
8 Kris about, he took action on this occasion.
9 Anything that -- I mean, what did you -- you say
10 that you complained about racism by Steve
11 Savanick. What did you say to him? I mean,
12 what -- you had to give something more than just
13 simply "I think he doesn't like me because I'm
14 black." Wasn't there reasons?

15 A No, it -- actually, it was just the way I
16 just saw the other employees being treated.

17 Q Okay.

18 A So, you know, I -- and I don't remember
19 exactly what the conversation was, but someone
20 else wanted to go down and I told them let me
21 handle it and I went down.

22 Q Okay. So it wasn't racism as to you, it
23 was as to your staff?

24 A It was actually as to all of us, but I'd
25 rather go down and take the bulk of the trouble

1 if it was some.

2 Q Okay. So you -- you talked to some of your
3 subordinates. Who were they? About this issue
4 that they said, hey, we have a problem with
5 Steve.

6 A Gosh. It was a lot. Theresa.

7 Q Theresa Bogan?

8 A Yeah.

9 Q Who else?

10 A I think her name was Shante. I can't
11 remember.

12 Q Shante?

13 A Yeah.

14 Q You don't know her last name?

15 A No. April. Jackie.

16 Q April, do you know her last name?

17 A I don't remember it.

18 Q Okay. Jackie Jones?

19 A Yeah.

20 Q Okay. Anybody else?

21 A Theresa.

22 Q Okay. So I have Theresa, Shante, April,
23 Jackie Jones.

24 A I don't remember her name.

25 Q There's one more?

1 I mean, what --

2 A About how they would be treated.

3 Q Meaning what?

4 A I don't know. I don't remember. Just how
5 they were being treated.

6 Q Okay. So you don't -- you don't have any
7 specifics then?

8 A I'm thinking -- well, yeah, cleaning, the
9 cleaning, the way it was put out. I don't
10 remember.

11 Q Okay. So these are -- I mean, the way the
12 cleaning was being assigned, I mean, they were
13 assignment issues, whether white employees were
14 being assigned the same things as they were?

15 A They were asking why didn't they come in --
16 why didn't they have to do the jobs that they
17 were doing.

18 Q Okay. So people came to you on occasion,
19 these people, and then you go to Kris Bennett
20 and say, one, you think there should be more
21 people hired, right?

22 A Yeah, but this wasn't all at one time.

23 Q Okay. So you went to Kris after Steve came
24 on board on a couple of occasions?

25 A Right.

1 Q Okay.

2 A Right.

3 Q Okay. So let's talk about those occasions.

4 What do you -- so at least one time
5 you went to him about scheduling and he did
6 something about that.

7 A Um-hum.

8 Q Right?

9 A Yes.

10 Q Okay. You went to Steve -- what else do
11 you recall going to Kris about? I mean, is it
12 just these other employees to say hey, on
13 another occasion you went to him and said hey?

14 A Yeah, and actually I didn't go to Kris
15 first about the racism, I went to Marti.

16 Q Okay. And when we say "racism," about
17 these employees coming to you about the
18 assignments?

19 A Not just assignments. I'm just giving you
20 an example.

21 Q Okay.

22 A Because I don't remember everything.

23 Q Well, what else do you remember?

24 A I don't remember.

25 Q Okay. So as we sit -- but nobody was

1 at all for the job postings during the time you
2 worked with Sodexo?

3 A No.

4 Q Okay.

5 A I just never felt a need that I had to.

6 Q Meaning that you -- you didn't like
7 everything Steve was doing, but you didn't think
8 you were going to be discharged?

9 A Exactly.

10 Q Okay. And if they wouldn't have eliminated
11 your position, would you still be employed at
12 U.H. today?

13 A Definitely.

14 Q Okay. So although you did have problems
15 with Sodexo, you generally enjoyed your job?

16 A Yes.

17 Q Let me just show you a couple policies.

18 - - - - -

19 (Defendant's Exhibit E
20 marked for identification.)

21 - - - - -

22 Q I'm handing you what's been marked as
23 Exhibit E. Is that your signature?

24 A Um-hum. Yes.

25 Q Okay. And you would have read this and

1 A I don't remember. I just know it was a
2 rush, it was a hurry, because we had missed the
3 time span, so we were rushing to do them. I
4 don't remember the date.

5 Q And you're claiming that Steve told you,
6 you do all of the African American employees and
7 I'll do Linda, Judy, Sandy, Patty, Kathy and
8 Amanda's?

9 A You know what, it didn't even -- it wasn't
10 supposed to happen like that. It's just he
11 would come to me -- he said, well, I did this
12 one and I did that one, and actually I had
13 written out Amanda's and I want to say Judy's, I
14 had written out two of them, but I didn't
15 discuss them with them, he did.

16 Q Okay.

17 A After -- you know, he just went through and
18 read what I had written and everything.

19 Q Do you know why he discussed Amanda and
20 Judy's with them?

21 A I don't know.

22 Q So you did complete evaluations for some
23 white employees?

24 A That's what I was saying, but he initially
25 gave them the evaluations; you know what I'm

1 saying?

2 Q Let me --

3 A In a room.

4 Q Let me -- let me try to --

5 A Okay.

6 Q -- clear -- I think we can get through this
7 quickly.

8 A Okay.

9 Q You completed the evaluation form.

10 A Right.

11 Q You gave it to Steve. Steve went over the
12 evaluation form with Judy and Amanda; is that
13 right?

14 A Right.

15 Q Okay. And you're saying the process was
16 different for African American employees, that
17 you created the form, you prepared the form,
18 then you covered the form with them?

19 A Right. Right. Yeah.

20 Q And Amanda specifically he took from you
21 and said he would -- he would do hers?

22 A Actually, he just left it on his desk,
23 because he would read over them and give them
24 back to me, but I never got theirs back.

25 Q Okay. So you were just --

1 A Because they were wondering why --

2 Q -- assuming that Steve covered the evals,
3 evaluations with Judy and Amanda?

4 A Yeah, he had to, because you wouldn't get a
5 raise --

6 Q Okay.

7 A -- unless someone went over it with you.

8 Q And you're assuming he covered them with
9 Linda, Sandy, Patty and Kathy?

10 A Yeah, because you do not get a raise unless
11 someone goes over it with you.

12 Q Amanda is African American, isn't she?

13 A She's mixed, and actually she's not even
14 mixed, she's Jalapeno or whatever you want to
15 call it.

16 Q She's African American and Asian American,
17 isn't she?

18 A Something. She's -- she's mixed, she's not
19 Afro-American.

20 Q She is African American but she's just
21 also --

22 A She's not --

23 Q -- Asian American?

24 A And she doesn't consider -- she doesn't
25 consider herself and she's not fully African

1 A Um-hum. Yes.

2 Q Your personal opinion. Yes?

3 A Yes. I said yes.

4 Q Now, you spoke at length regarding the
5 complaints you made to Kris Bennett, you said
6 you complained to him. Did you specifically
7 complain to him that you thought that Steve was
8 treating you unfairly in your job because of
9 your race?

10 A Yes, I did. I don't remember what his
11 response was. I don't remember what his
12 response was, but yes, I did.

13 Q And have you told us everything today that
14 form the basis for your reasoning that Steve's
15 treatment of you was because of your race? Let
16 me rephrase that.

17 A Okay. Thank you.

18 Q Have you told us everything today regarding
19 why you think Steve treated you in a different
20 manner based on your race?

21 A All that I can remember right now, yes.

22 Q Well, now is our only time to ask you
23 questions on this issue.

24 A All that I remember now, yes. And I'm sure
25 if you were sitting here under pressure, when

C E R T I F I C A T E

The State of Ohio,)
County of Cuyahoga.) SS:

I, David J. Collier, Registered
Professional Reporter, Notary Public within and
for the State of Ohio, duly commissioned and
qualified, do hereby certify that the within
named witness, ALEATHER THOMPSON, was by me
first duly sworn to testify the truth, the whole
truth and nothing but the truth in the cause
aforesaid; that the testimony then given by the
above-referenced witness was by me reduced to
stenotypy in the presence of said witness;
afterwards transcribed, and that the foregoing
is a true and correct transcription of the
testimony so given by the above-referenced
witness.

I do further certify that this deposition
was taken at the time and place as in the
foregoing caption specified, and was completed
without adjournment.

1 I do further certify that I am not a
2 relative, counsel or attorney for either party,
3 or otherwise interested in the outcome of this
4 action.

5
6
7 IN WITNESS WHEREOF, I have hereunto
8 set my hand and affixed my seal of office at
9 Cleveland, Ohio, this 6th day of May, 2008.

10
11 David J. Collier
12 David J. Collier, RPR,

13 Notary Public/State of Ohio.

14 Commission expiration: April 26, 2011.
15
16
17
18
19
20
21
22
23
24
25

I HAVE READ THE ENTIRE TRANSCRIPT OF MY DEPOSITION TAKEN ON THE _____ DAY OF _____, 20____: OR THE SAME HAS BEEN READ TO ME. I REQUEST THAT THE FOLLOWING CHANGES BE ENTERED UPON THE RECORD FOR THE REASONS INDICATED.

PAGE	LINE	CORRECTION OR CHANGE & REASON THEREFORE
5	6	4675 Skiff Rd - Address in Willoughby Willoughby Ohio 44094
9	14	I was evicted because had no money coming in - Reason why
13	18	There a month started march 28
13	20	Teri Larabee - Supervisor name
15	7	Hourly - not salary
15	13	Later got a raise 7.73 per hour 6.85 per hour - Hourly
16	3	We lifted anywhere from 10-88 lbs - ^{to explain} why I was affected
18	5	I wanted to see if I would be able to handle the job before going fulltime
		or except the supervisors position - clarification
19	9	I to consider that I had a son still in school and Supervisor position you were on call 24/7 I would have to fill in on call off - clarification go the any house to pass meds and take client to appts. That would not be my son ^{far to}
24	12	I did not have a printer but - clarification if I had know I would need them I would have found away to keep them
25	6	Newsong - one word
26	15	Breckwood assisted living Spelling was wrong
31	14	Looking for anything other than cooking supervising cooking at a hospital or restaurants - worded wrong
32	3	I was supervising a hospital or restaurant - Clarification

I do hereby certify that the foregoing changes are true to the best of my knowledge.

Date 06/2/08

Witness Signature _____

Aleather Thompson

Sworn to and subscribed before me on the 2nd day of June, 2008.

SANDRA JO ROSENTHAL, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

Notary Public in and for the
State of Ohio.

My Commission expires _____

NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

I HAVE READ THE ENTIRE TRANSCRIPT OF MY DEPOSITION TAKEN ON
THE _____ DAY OF _____, 20____: OR THE SAME HAS BEEN
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THE RECORD FOR THE REASONS INDICATED.

PAGE	LINE	CORRECTION OR CHANGE & REASON THEREFORE
57	12	That why I had to go to Georgia - Miss Warden
60	4	Received unemployment benefits - Removed other
63	4	In hospital Oct-May of 2005 for depression for several weeks
68	1	Montague - Sept Wrong
73	15	I was still in my apartment May of 05 - correction
73	24	Highlandwoods Apts - correction
81	12	No suppose to come back Nov not Oct - correction
85	23	Effect Nov 1 - correction
92	25	I didn't ask her about did talk about it - clarification
93	4	We talked about a lot of things about the kitchen everything I remember - clarification
100	1	Steve did supervise me the director his job - clarification
101	16	yes sodexo told us they were downtown - remembered
101	18	I did know - remembered
102	3	sodexo told us - clarified
103	14	yes Aramark talked about closing it so when sodex came in they felt the same way because it was not making money so they close it
105	3	I can not say when because I was in the process of closing it before I got sick. It was still open when I left But the schedule was being talked about when I was there - clarification
105	22	she would have - clarification

I do hereby certify that the foregoing changes are true to the best of my knowledge.

Date 06/2/08

Witness Signature [Signature]

Aleather Thompson

Sworn to and subscribed before me on the 2nd day of June, 2008.

SANDRA D. ROSENTHAL, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Section 147.02 R.S.

[Signature]
Notary Public in and for the
State of Ohio
My Commission expires _____
Section 147.02 R.S.

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PAGE	LINE	CORRECTION OR CHANGE & REASON THEREFORE
114	3	Jack Hart did not have any qualifications 'you all said he was getting his degree' correction
117	8	no and that is very upsetting because you would think any boss would try to help an employee kept or get a job know my background but he wanted someone he could look at and not have to hate them or at least try to hide his feeling. look tells a thousand words. -el
119	19	Pretty much ran the kitchen herself catering to show cooking for three years or more. - correction
119	25	Sodex no never reviewed Job requirements - correction
120	21	a certain person was not working out - correction
123	15	I don't remember correction
124	7	Patty and Kathy were already here correction
124	10	I don't remember how many clarified
123	21-25	I have to retrack because I was
124	1-2	Just getting tired I was talking before thinking. I don't even know what I was saying or why. correction
125	23	Steve ask me to find out why it was taking April so long to fill

I do hereby certify that the foregoing changes are true to the best of my knowledge.

Date 06/2/08

Witness Signature _____

Aleather Thompson

Sworn to and subscribed before me on the 2nd day of June, 2008.

SANDRA JO ROSENTHAL, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

Notary Public in and for the
State of Ohio.
My Commission expires _____.

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PAGE LINE CORRECTION OR CHANGE & REASON THEREFORE

125 3 the floors who is black ~~she changed~~
but when Patty would go on
the floors he act like he did not
realize it so it was brought
to his attention I talked to Patty
and it still did not change and
Steve did nothing about it. elaborate

125 23 kim was a new employee who was
not working out she was late, she
was to slow for the needs of the
kitchen, she had to leave early leave
one employee to work by themselves at
night so everything was not getting
done and when I talk to Steve
about it his answer was she
is having trouble with her boyfriend
like the was a good excuse
to keep her. She needed her
job, I needed my job. elaborate more

I do hereby certify that the foregoing changes are true to the best of my knowledge.

Date 06/2/08

Witness Signature

Aleather Thompson

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Section 147.03 R.C.

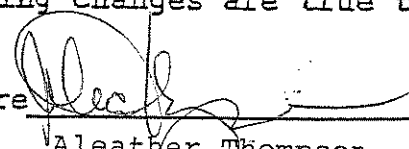
[Signature]
Notary Public in and for the
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PAGE	LINE	CORRECTION OR CHANGE & REASON THEREFORE
131	18	he would order on my order and then tell Mary I was over ordering and I know this because when I went to Mary about this matter Steve said I was the one that over order on that order. like I said he was setting me up. elaborated
134	7	same day - reworded Steve gave me an evaluation that was a 1.2. I got upset and disagreed with him. Some came down and was bragging on a party I had done. When he changed it, it ended up to be a 2. 10 ^{Correction}
135		Patty and Kathy were not new employees ^{Correction}
136	4	NO correction
139-140	21-5	task to them all When I assigned task task certain one would complain and just go and do something else. I reported it to Steve. Certain

I do hereby certify that the foregoing changes are true to the best of my knowledge.

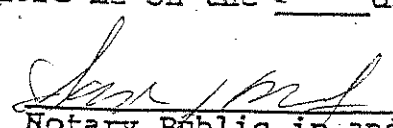
Date 06/2/08

Witness Signature 

Aleather Thompson

Sworn to and subscribed before me on the 2 day of June, 2008.

SANDRA JO ROSENTHAL, Attorney
NOTARY PUBLIC - STATE OF OHIO
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PAGE _____ LINE _____ CORRECTION OR CHANGE & REASON THEREFORE

employees came to me and asked why certain ones
meaning people did not have to help I asked Steve
he said well they'll do in the office, meaning clearing
Up Sherita, who is black came out to help
get ready for inspections in the kitchen but Judy
never had to do a thing clarify

162 1-4 I was hurt because Kris said
The same thing when I went down
about the issue before ^{when Tim was my manager} instead of
investigating or asking Marti to investigate
171 ~~The~~ The black felt the the whites were getting
most of the work and the white were
get out of it by doing things Steve would
assign and took their time. I went to Kris
Bennette after Steve came on board
on a couple of occasions.

182 11 I Do not remember who Promoted me.

I do hereby certify that the foregoing changes are true to the best of my knowledge.

Date 06/2/08

Witness Signature _____

Aleather Thompson

Sworn to and subscribed before me on the 2nd day of
June, 2008.

SANDY
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Expiration 10/23/11

[Signature]
Notary Public in and for the
State of Ohio.
My Commission expires _____.

I HAVE READ THE ENTIRE TRANSCRIPT OF MY DEPOSITION TAKEN ON THE _____ DAY OF _____, 20____: OR THE SAME HAS BEEN READ TO ME. I REQUEST THAT THE FOLLOWING CHANGES BE ENTERED UPON THE RECORD FOR THE REASONS INDICATED.

PAGE	LINE	CORRECTION OR CHANGE & REASON THEREFORE
200	9	Take out I sorry
208	12-16	meds misspelling
231	4	I don't remember how many were hired.
233	9-25	Kim was her name ^{Patty and Katha were not new hires} But Kim was
235	22	Very good inspections
240	18	if we did get cited it was for something that could be fixed the next same day. The only time they had to come back was when Steve came on board and knew we did not have enough people to really keep up with the cleaning

I do hereby certify that the foregoing changes are true to the best of my knowledge.

Date 06/2/08

Witness Signature _____

Aleather Thompson

Sworn to and subscribed before me on the 2nd day of July, 2008.

SANDRA JO ROSENTHAL, Attorney
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.S.

[Signature]
Notary Public in and for the
State of Ohio.
My Commission expires _____.